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PTO/SB/64 (11-03)

Approved for use through 07/31/2008, OMB 0851-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b)Docket Number (Optional)
7156

First named inventor: Robert L. Sutherland

Application No.: 10/025,680

Art Unit: 3712

Filed: 12/19/2001

Examiner: Ackun, Jacob K.

Title: Bottle Carrier with Improved Carrying Handle

Attention: Office of Petitions
 Mail Stop Petition
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450
 FAX: (703) 308-6916

NOTE: If information or assistance is needed in completing this form, please contact Petitions
 Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the Office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee —required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ 1350.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):

has been filed previously on _____.
 is enclosed herewith.

B. The issue fee and publication fee (if required) of \$ 1630.00.

has been paid previously on _____.
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (08-03)

Approved for use 07/31/2008. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE. The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D))].

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

8/12/04

Date

Keats A. Quinalty

Signature

Telephone
Number: (404) 879-2423Keats A. Quinalty, Reg. No. 46,426

Typed or printed name

Womble Carlyle Sandridge & Rice, PLLC

Address

Enclosures: Fee PaymentP.O. Box 7037, Atlanta, GA 30357-0037

Address

 Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (703) 202-9006. 8/12/04

August 12, 2004

Date

Cheryll West

Signature

Cheryll West

Type or printed name of person signing certificate

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Robert L. Sutherland

Art Unit: 3712

Application No.: 10/025,680

Examiner: Ackun, Jacob K.

Filed: 12/19/2001

Title: Bottle Carrier with Improved Carrying Handle

STATEMENTS ESTABLISHING UNINTENTIONAL DELAY

Applicant hereby requests revival of the above-referenced application, which was unintentionally abandoned. Applicant filed a response June 27, 2003 in this application. Subsequently, Applicant's employer was purchased and moved offices. A Notice of Allowance, which was mailed July 17, 2003, was never received by the Applicant. The application was abandoned for failure to pay the issue fee on December 5, 2003.

A recent search of the PAIR system on the USPTO website indicated that this application had been allowed and subsequently abandoned. The entire delay in filing the required reply from the due date until the filing of a grantable petition under 37 C.F.R. 1.137(b) was unintentional. Accordingly, Applicant requests revival of the above-referenced application and acceptance of the issue fee payment.

The Commissioner is authorized to charge any fees required for this request to deposit account no. 09-0528.

Respectfully submitted

8/12/04

Date


Keats A. Quinalty
Registration No. 46,426

Customer No. 26158

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Certificate of Transmission

I hereby certify that this correspondence is being transmitted by facsimile on the date shown below to the U.S. Patent and Trademark Office at (703) 872-9306.

Date: August 12, 2004Signature: General West

ATLANTA 411839v1